

Message Text

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ORIGIN SS-30

INFO OCT-01 ISO-00 CCO-00 SSO-00 NSCE-00 DODE-00 CIAE-00

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DRAFTED BY NEA/TUR:MBHIRSHORN:CF

APPROVED BY NEA:RPDAVIES

L/PM - MR BURTON

L/NEA - MR ROVINE

L/EB - MR GAITHER

S/S - MR. PICKERING

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FM SECSTATE WASHDC

TO AMEMBASSY ANKARA NIACT IMMEDIATE

S E C R E T STATE 216995

EXDIS

E.O. 11652: XGDS-2

TAGS: PFOR, MASS, TU

SUBJ: CONTINUED SOVIET OVERFLIGHTS OF TURKEY

REF: (A) ANKARA 8619. (B) ANKARA 8207.

FOR AMBASSADOR

1. AS NUMBER OF OVERFLIGHTS HAS EXCEEDED NUMBER GIVEN TO
YOU BY BAYULKEN (REF B), DEPT CONCURS COURSE OF ACTION
PROPOSED REF A.

2. IN ADDITION TO EARLIER ARGUMENTS BASED ON MONTREUX
AND CHICAGO CONVENTIONS, YOU MAY POINT OUT THAT ARTICLE 3
OF CHICAGO CONVENTION GIVES TURKEY AN ABSOLUTE RIGHT TO
FORBID MILITARY OVERFLIGHTS OF ITS TERRITORY. EVEN IF
THE AIRCRAFT ARE CIVILIAN, TURKEY WOULD HAVE THE RIGHT
UNDER ARTICLES 1 AND 3(C) OF CHICAGO TO EFFECT A
LANDING AND THEN SEARCH THE AIRCRAFT. IF THE AIRCRAFT

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ARE FOUND TO CONTAIN MUNITIONS OF WAR, OR IMPLEMENTS
OF WAR, THE SOVIET ACTION WOULD CONSTITUTE A VIOLATION
OF ARTICLE 35(A) OF CHICAGO.

3. SINCE THE 1944 CHICAGO CONVENTION WAS SUBSEQUENT TO THE 1936 MONTREUX CONVENTION, THESE PROVISIONS OF THE CHICAGO CONVENTION CANNOT BE QUALIFIED OR WEAKENED BY ARTICLE 23 OF THE MONTREUX CONVENTION. BOTH TURKEY AND THE USSR ARE PARTIES TO BOTH CONVENTIONS.

4. THEREFORE, THE GOT HAS THE LEGAL RIGHT TO STOP THE FLOW OF MILITARY SUPPLIES OVER ITS TERRITORY. IT MAY BE POINTED OUT THAT THIS FLOW IS CLEARLY DIRECTED AT MAINTAINING AND EXPANDING SOVIET INFLUENCE IN AN AREA OF GREAT CONCERN TO THE NORTH ATLANTIC ALLIANCE.

5. YOU SHOULD INFORM BAYULKEN THAT WE ARE RAISING THIS QUESTION BECAUSE WE FEEL THAT THERE HAS BEEN A FAILURE ON THE PART OF OUR ALLIES FULLY TO COMPREHEND THE DANGER TO NATO ITSELF OF A DECISIVE SHIFT IN THE STRATEGIC BALANCE IN THE MIDDLE EAST. WE WERE, THEREFORE, SURPRISED BY TURKEY'S ACTION IN FACILITATING SOVIET SHIPMENTS TO THE MIDDLE EAST. KISSINGER

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